



CITY OF MILPITAS CONTRACT

Project: Civic Center, Library Landscape Maintenance Services

Bid No: RFP #2159

Amount of Contract: Initial One Year Term not-to-exceed:	\$96,600
Total of all Options not-to-exceed:	\$386,400
Total Five Year Contract not-to-exceed:	\$483,000

THIS CONTRACT, made this 30th day of September, 2016, by and between the City of Milpitas, hereinafter referred to as the "City of Milpitas", a municipal corporation and **Mike Davis Landscape Services**, a California Sole Proprietorship, hereinafter referred to as "Contractor",

WITNESSETH:

- A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and
- B. WHEREAS, The term of the contract shall be one (1) year from September 30, 2016 to September 30, 2017 (the "Anniversary Date"). The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the contract. The City of Milpitas reserves the right to extend this contract for four (4) one (1) year options exercisable at the City's sole discretion, not to exceed five (5) years in total. The City may exercise the renewal option years by written notice to the Contractor by mail, fax or email, including a Purchase Order, sent no later than the last day of the current term. If a renewal option is exercised and/or a price increase is granted it will be transmitted to the Contractor using **"Exhibit A (of the Contract) – Notice of Exercise of Option to Extend Agreement"**, and
- C. WHEREAS, said Specifications include: Proposal No. **2159** for **Civic Center, Library Landscape Maintenance Services**, in its entirety, all Addenda, and the following documents by this reference are hereby offered as a part of the contract to be awarded:
 - a. List of Documents to be Returned with Proposal
 - b. Narrative Proposal (including Company Profile and Execution Plan)
 - c. Proposal Offer Form
 - d. Non-Collusion Affidavit
 - e. Proposer's Statement Regarding Insurance Coverage
 - f. Worker's Compensation Insurance Certificate
 - g. Apprenticeship Standards Certificate
 - h. Nondiscriminatory Employment Certificate
 - i. Minimum Qualifications & Experience Statement
 - j. References
 - k. Subcontractors List (If applicable)
 - l. Subcontractors Acceptance of Solicitation Requirements (If applicable)

- m. Payment Bond (If applicable)
- n. Copies of Contractor's licenses and required certificates
- o. Insurance Requirements
- p. Public Purchase Addendum 1, and Questions 1 through 18

D. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation

Mike Davis Landscape Services

Thomas C. Williams, City Manager

Contractor's Authorized Signature

Name of Authorized Representative

Title of Authorized Representative

City of Milpitas Business Tax
Compliance: Certificate No. _____

Approved As
To Form: _____
Christopher J. Diaz, City Attorney

Approved As
To content: _____
James Levers, Project Manager

Exhibit A
NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	Civic Center, Library Landscape Maintenance Service RFP #2159
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section ____ of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
-------------------	--

NEW OPTION TERM

Begin date:	
End date:	

☐ **CHANGES IN RATE OF COMPENSATION**

Percentage change in ____ Index upon which adjustment is based:	
--	--

Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
--	--

For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS
a municipal corporation

CONTRACTOR
(Insert Name)

By_____

By_____

Name of Authorized Representative

Name of Authorized Representative

Title of Authorized Representative:

Title of Authorized Representative3